

## **REMARKS**

Claims 3, 18, 20-24, and 32-42 are pending in the application. Claims 3, 18, 20, 21, 32-34, 36 and 37 stand rejected. Claims 23, 24, 35, and 38-40 are objected to as dependent upon a rejected base claim.

Claim 32 has been canceled. Claims 3, 18, 33, 34, and 35 have been amended. The claims have been amended solely so that the claims indicated as allowable will issue as a patent. Support for the amendments may be found, for example throughout instant specification, including the claims as originally filed. No new matter has been added.

New claims 43, 44 and 45 have been added. Claim 43 is dependent on claim 3. Support for such claims may be found throughout the specification, including the claims as originally filed.

Claim 35, objected to as dependent upon a rejected base claim, has been rewritten as an independent claim with all the limitations in the original base claim.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicant reserves the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends.

### **Rejections under 35 U.S.C. §112**

Claims 3, 18, 20, and 21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claim 3 has been amended to recite “method for impregnating a contact lenses,” as the Examiner suggested. Claim 18 has been amended to recite “a composition comprising (dex)pantenol,” solely to clarify this claim. Claims 20 and 21 are dependent on independent claim 18. Accordingly, Applicants respectfully request reconsideration and withdrawal of any rejection based on 35 U.S.C. §112, second paragraph.

**Rejection of claims under 35 U.S.C. §102**

Claims 32-34, 36 and 37 stand rejected under 35 U.S.C. §102, as being anticipated by Gobbels et al. Solely to expedite prosecution, Applicant has canceled claim 32, rendering this rejection moot. Claim 35, which the Examiner has indicated as allowable, has been rewritten to include the base claim. Claims 33 and 34 have been amended solely to depend on allowable claim 35. Applicant respectfully notes to Examiner that claims 36 and 37 are dependent on claim 18, not claim 32. Accordingly, the Applicant respectfully requests withdrawal of any rejection based on 35 U.S.C. §102.

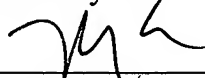
## CONCLUSION

In view of the foregoing remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000. Should a further extension of time be required other than provided for, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, No. 06-1448.

Date: October 19, 2005

**Customer No: 25181**  
Patent Group  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MA 02210-2600

Respectfully Submitted,



---

Theresa C. Kavanaugh  
Reg. No. 50,356  
Agent for Applicants